

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----  
TEAMSTERS LOCAL 456 PENSION, HEALTH  
& WELFARE, ANNUITY, EDUCATION &  
TRAINING, INDUSTRY ADVANCEMENT, and  
LEGAL SERVICES FUNDS by Louis A. Picani,  
Joseph Sansone, Dominick Cassanelli, Jr., Saul  
Singer, Ross Pepe, and Jeffrey Isaacs as Trustees  
and fiduciaries of the Funds, and WESTCHESTER  
TEAMSTERS LOCAL UNION NO. 456,

Plaintiffs,

- against -

MID HUDSON TRUCKING, INC. a/k/a MID-  
HUDSON TRUCKING INC., MICHAEL ACKERLY,  
INDIVIDUALLY, and WILLIAM NICOLIS,  
INDIVIDUALLY,

Defendants.

-----  
x :  
: USDC SDNY  
: DOCUMENT  
: ELECTRONICALLY FILED  
: DOC #: \_\_\_\_\_  
: DATE FILED: 08/12/2021  
: -----

Civil Action No. 7:20-cv-02026-NSR

**DEFAULT JUDGMENT**

This action having been commenced on March 6, 2020 by the filing of the Complaint and the issuance of the Summons; a copy of the Summons and Complaint having been served on Defendants Mid Hudson Trucking, Inc. a/k/a Mid-Hudson Trucking Inc. on July 6, 2020, Michael Ackerly on July 13, 2020, and William Nicolis on July 13, 2020; and proof of service having been filed with the Clerk of Court on July 21, 2020; Defendants not having answered the Complaint; and the time for answering the Complaint having expired; said default being willful because of the failure of Defendants to answer, prejudicial to Plaintiffs in light of the statutory policy favoring the efficacious resolution of collection actions by employee benefit funds under the Employee Retirement Income Security Act of 1972, as amended (“ERISA”); and Defendants lacking a meritorious defense; it is:

ORDERED, ADJUDGED AND DECREED that:

1. Mid Hudson Trucking, Inc. a/k/a Mid-Hudson Trucking Inc. is liable to Plaintiffs in the amount \$63,334.93, broken down as follows:

- (a) \$28,100.20 in fringe benefits;
- (b) \$1,065.76 in dues deductions;
- (c) \$3,197.47 in interest, plus \$7.70 in per diem interest commencing on August 3, 2021 and continuing through the date of payment;
- (d) \$12,577.22 in liquidated damages;
- (e) \$18,394.28 in attorney's fees and costs.

2. In total, Michael Ackerly and William Nicolis, jointly and severally, owe \$47,574.09, broken down as follows:

- (a) \$28,100.20 in fringe benefits;
- (b) \$1,079.61 in interest; plus \$10.39 in per diem interest commencing on August 3, 2021 and continuing through the date of payment;
- (c) \$18,394.28 in attorney's fees and costs.

3. Defendants shall submit to an audit by providing Plaintiffs with the books and records of Mid Hudson Trucking, Inc. a/k/a Mid-Hudson Trucking Inc. for all unaudited periods, within thirty (30) days of the entry of this Order, and pay any delinquencies identified by the audit, together with the cost of the audit, interest, liquidated damages and any other costs incurred by Plaintiffs in obtaining payment of the delinquency within twenty (20) days of demand.

4. Should Defendants fail to comply with any of the relief set forth in paragraph 3 of this Default Judgment and Order, Plaintiffs may apply to this Court for a further award of damages.

5. The Clerk of the Court is respectfully directed to terminate the motion at ECF No. 24. Dated August 12, 2021

White Plains, NY

NELSON S. ROMÁN

United States District Judge